
SENATE BILL No. 626

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-33-6-6; IC 34-13-3-3.

Synopsis: Riverboats. Provides that a riverboat operating in a county along Lake Michigan or the Ohio River must have either a valid certificate of inspection from the United States Coast Guard or an alternative certification required by the gaming commission. Provides a governmental entity or an employee acting within the scope of the employee's employment immunity from a loss resulting from the construction, operation, or management of the riverboat authorized for Orange County.

Effective: July 1, 2005.

Clark

January 24, 2005, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.

C
o
p
y



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 626

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-33-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) A riverboat that operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2) must:

(1) have **either**:

(A) a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; **or**

(B) **an alternative certification required by the commission**; and

(2) be at least one hundred fifty (150) feet in length.

(b) This subsection applies only to a riverboat that operates on the Ohio River. A riverboat must replicate, as nearly as possible, historic Indiana steamboat passenger vessels of the nineteenth century. However, steam propulsion or overnight lodging facilities are not required under this subsection.

SECTION 2. IC 34-13-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. A governmental



C
o
p
y

entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the following:

- (1) The natural condition of unimproved property.
- (2) The condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose that is not foreseeable.
- (3) The temporary condition of a public thoroughfare or extreme sport area that results from weather.
- (4) The condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area.
- (5) The design, construction, control, operation, or normal condition of an extreme sport area, if all entrances to the extreme sport area are marked with:
 - (A) a set of rules governing the use of the extreme sport area;
 - (B) a warning concerning the hazards and dangers associated with the use of the extreme sport area; and
 - (C) a statement that the extreme sport area may be used only by persons operating extreme sport equipment.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain extreme sports areas in a reasonably safe condition.

- (6) The initiation of a judicial or an administrative proceeding.
- (7) The performance of a discretionary function; however, the provision of medical or optical care as provided in IC 34-6-2-38 shall be considered as a ministerial act.
- (8) The adoption and enforcement of or failure to adopt or enforce a law (including rules and regulations), unless the act of enforcement constitutes false arrest or false imprisonment.
- (9) An act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid if the employee would not have been liable had the statute been valid.
- (10) The act or omission of anyone other than the governmental entity or the governmental entity's employee.
- (11) The issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law.
- (12) Failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property

C
o
p
y



1 complied with or violates any law or contains a hazard to health
2 or safety.

3 (13) Entry upon any property where the entry is expressly or
4 impliedly authorized by law.

5 (14) Misrepresentation if unintentional.

6 (15) Theft by another person of money in the employee's official
7 custody, unless the loss was sustained because of the employee's
8 own negligent or wrongful act or omission.

9 (16) Injury to the property of a person under the jurisdiction and
10 control of the department of correction if the person has not
11 exhausted the administrative remedies and procedures provided
12 by section 7 of this chapter.

13 (17) Injury to the person or property of a person under supervision
14 of a governmental entity and who is:

15 (A) on probation; or

16 (B) assigned to an alcohol and drug services program under
17 IC 12-23, a minimum security release program under
18 IC 11-10-8, a pretrial conditional release program under
19 IC 35-33-8, or a community corrections program under
20 IC 11-12.

21 (18) Design of a highway (as defined in IC 9-13-2-73) if the
22 claimed loss occurs at least twenty (20) years after the public
23 highway was designed or substantially redesigned; except that
24 this subdivision shall not be construed to relieve a responsible
25 governmental entity from the continuing duty to provide and
26 maintain public highways in a reasonably safe condition.

27 (19) Development, adoption, implementation, operation,
28 maintenance, or use of an enhanced emergency communication
29 system.

30 (20) Injury to a student or a student's property by an employee of
31 a school corporation if the employee is acting reasonably under a
32 discipline policy adopted under IC 20-8.1-5.1-7(b).

33 (21) An error resulting from or caused by a failure to recognize
34 the year 1999, 2000, or a subsequent year, including an incorrect
35 date or incorrect mechanical or electronic interpretation of a date,
36 that is produced, calculated, or generated by:

37 (A) a computer;

38 (B) an information system; or

39 (C) equipment using microchips;

40 that is owned or operated by a governmental entity. However, this
41 subdivision does not apply to acts or omissions amounting to
42 gross negligence, willful or wanton misconduct, or intentional

C
o
p
y



1 misconduct. For purposes of this subdivision, evidence of gross
2 negligence may be established by a party by showing failure of a
3 governmental entity to undertake an effort to review, analyze,
4 remediate, and test its electronic information systems or by
5 showing failure of a governmental entity to abate, upon notice, an
6 electronic information system error that caused damage or loss.
7 However, this subdivision expires June 30, 2003.

8 (22) An act or omission performed in good faith under the
9 apparent authority of a court order described in IC 35-46-1-15.1
10 that is invalid, including an arrest or imprisonment related to the
11 enforcement of the court order, if the governmental entity or
12 employee would not have been liable had the court order been
13 valid.

14 **(23) The construction, operation, or management of a**
15 **riverboat subject to IC 4-33-6.5.**

C
o
p
y

